IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CONSTRUCTION ENTERPRISES, INC.,)
Plaintiff,)
) CASE NO. 3:23-cv-00383
v.) JURY DEMANDED
GEMINI INSURANCE COMPANY,) JURY DEMIANDED
ALLIED WORLD NATIONAL	
ASSURANCE COMPANY, EVANSTON INSURANCE COMPANY, OHIO)
CASUALTY INSURANCE COMPANY,)
and COLONY INSURANCE COMPANY,	
Defendants.)

MOTION FOR EXTENSION OF TIME TO RESPOND TO AMENDED COMPLAINT

COMES NOW, Defendant, Gemini Insurance Company, (hereinafter, "Gemini"), by and through counsel, and pursuant to and without waiving the defense applicable to service of process and without accepting service of process as to Gemini and without waiving any and all defenses related to venue and jurisdiction, hereby requests an extension to Answer or otherwise respond to the Amended Complaint (Document #10) filed on May 16, 2023. Counsel for Gemini hereby requests an extension until Monday, July 10, 2023, which is 21 days after the original Answer due date of Tuesday, June 20, 2023.

In support of this Motion, Counsel for Gemini relies upon Fed. R. Civ. P. 6(b)(1)(A) and M.D. Tenn. R. 6.01 as good and sufficient authority for this request for the Court Order extending the deadline to answer or otherwise plead.

Federal Rule of Civil Procedure 6(b)(1)(A) provides that the Court may, for good cause shown, extend the time in which an act may or must be done where a party's request is made before the original time or any previously granted extension expires. M.D. Tenn. R. 6.01 states that an application for an extension of time must be in writing, state the deadline and the requested deadline, provide the reason for the extension, and that any application for such an extension must advise the Court whether the other parties have consented to such a request.

Having stated in writing the deadline and the requested deadline, Counsel for Gemini states the reasons for the extension include, but are not limited to, the following: Settlement discussions among the parties to the underlying litigation are in progress. Counsel for Gemini does not want to do anything that might impede the opportunity for resolution by settlement.

In compliance with the rule and to determine whether anyone contends that such an extension would create a prejudice, Counsel for Gemini has reached out to Counsel of Record for all of the parties and has requested their consent to the extension. Counsel of Record for all of the parties have provided their consent to the extension.

Respectfully submitted,

HARWELL & HURST PLLC

By: <u>s/Marc H. Harwell</u>

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Attorneys for Defendant, Gemini Insurance Company

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing pleading was electronically filed with the Clerk of Court using the CM/ECF filing system which automatically sends email notifications of such filing to the following attorneys of record:

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This	$20^{th} \\$	day	of June,	2023.
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<u>s/ Marc H. Harwell</u> MARC H. HARWELL